

Water Quality Advisory Group  
November 10, 1999  
Room 1319  
**Minutes**

Board members present:

John Fekete, Bill Beranek, Ron Wukasch, Dan Cole, John Wilkins, Bowden Quinn, Melanie Darke, Senator Beverly Gard, Matt Rueff and Mayor Margerum.

Audience:

Dave Wagner, Mark Shere, Ed Tinkle, Art Umble, Scott Schutte, Jim Parks, Bob Johnson, John Humes, Scott Girman, Dennis Kane, Dwight Dailey, Claudio Ternieden, Glenn Pratt, Phyllis Hockett, Len Ashack, Vince Griffin, Tonya Galbraith and Maggie McShane.

Introductions

John F: Today I would like to get a feeling from the group on our direction regarding water body designation. We will also have a presentation at the end on wet weather.

- Overview of handout on Quality of Water Bodies.

Last time we compiled ideas and it became somewhat clear we were focusing on three things:

- zero molecule approach
- manage degradation
- manage improvement

Manage improvement of water body as well as improve watershed that the water body resides in.

Kari:

- Overview of handout on Anti degradation Policy Framework. Questions?

Bowden: The use of the word “watershed” seems problematic.

Kari: We need to address that.

John F: What is the concern?

Bowden: Defining differently than I do.

Bill: What is net improvement is important.

Dan: Distributional problem.

Bill: This policy needs to resolve what is going to address Lake Michigan.

John F: Identify those things that can be dealt with in a technical sense. What steps should we take?

Hold ourselves for now to policy questions and their path. We have started to flow chart these steps. Which path are we going down? We are mixing a lot of things.

Dan: Every state is confronting these types of issues. Why aren't we looking at what they are doing or have done? Florida has done what we are talking about. Not clear that EPA's policy on Outstanding State Resource Waters (OSRW) is constitutional at this point considering it is not in the Clean Water Act. We should learn what other states have done.

Claudio: We are similar to other Region 5 states. They have looked at these issues as well.

John F: We should review this as well as Great Lakes Initiative (GLI).

Dan: Net enhancement - doesn't say anything about how to implement it. What does GLI require? Does that require more than EPA's OSRW?

Kari: Only short term.

Dan: How different are great lake states?]

Bill: This is a good discussion, but can we maybe set this aside. What Dan is saying is useful, but we have to decide if this is what we want to do with these waters. We may get to this by calling it an Outstanding National Resource Water (ONRW).

John F: We tried to keep in mind all factors, which is how we came to the watershed idea.

Dan: Watershed is such a broad term. What we want is net improvement on affected water body.

John F: Yes and no. The difficulty to that is each water body has segments. So wherein lies the improvement?

Matt: Watersheds vary in size. We could do small incremental improvements.

Dan: Net improvement crosses over Tiers.

Melanie: Anti degradation on Tier 2 - public participation. What criteria would we use to evaluate this?

John F: Tried to develop framework - we didn't want to follow one path.

Mayor Margerum: What does net improvement mean? Agree that overall statement is a good one.

Bob: Are there waterbodies that need to go beyond federal requirement?

Dan: Should federal standards be the floor or the ceiling?

Scott: Look at the water resource - we need to meet a certain quality. To go beyond that quality - how will I use that resource? If you say this needs special protection, then go into net improvement.

John F: Can we go onto Wet Weather presentation?

Ron: Made a huge step here.

Bill: Agree. In principle we can send this forward. Do we do it, does water board do it? Should there be guidance for legislature?

John F: Put this together in framework of where we have come. In this we will decide where it goes from here.

Senator Gard: When will we have the report?

John F: For the December meeting.

Dan: Work for economic growth and support water quality? All waters in Tier 2 will end up in Tier 1.

Bill: Our concern is how we deal with these special waters. The 343 question that is coming up fast regarding special waters is what we need to address.

John F: Our intention is to send out a report on this prior to the December meeting.

Bill: Second one is us - first one is EPA. Any net improvement satisfies anti degradation under federal.

John F: Going to cut off now and move on to the Wet Weather presentation.

Art Umball/Reggie Baker:

- Presentation on Wet Weather

John F: Thanks Art and Reggie. Comments?

Senator Gard: This is excellent.

Bill: The question is: is there something the legislature needs to do this session?

Senator Gard: December 15 is the deadline to submit anything to LSA.

Glen: Fast track through the regulatory issues is the way to go.

Tonya: Agree, also fast track through the legislature.

Ron: Look at the document - Attachment 4 - that would be a good guideline.

Bill: Quicker way would be to go through statutory changes rather than regulatory changes.

Glen: Wrong way to go through legislature.

Senator Gard: There does need to be something in the legislature.

Matt: Supported language for 343. When other things are attached that is when it becomes difficult.

John F: It would be nice to see some draft legislation.

Claudio: Statutory authority may have a gap and we need to fill it.

Matt: There may be a quicker path other than rule making.

Claudio: Still have to do regulations even if we have legislation.

John F: Would like to see something before the December 8<sup>th</sup> meeting to be reviewed.

Adjournment